

recommendation that it do pass with the following committee amendments, and be not printed.

BECK, Chairman.

Amend H. B. No. 61 by striking out of Section 1, where they first appear, the words "to pay the salaries of Judges, and"

And by striking out the figures beginning with the words, "Court of Civil Appeals—First District" down to and including all items for "State Attorney before Court of Criminal Appeals;"

And by striking out all items beginning with "transcript in cases where court is required and does appoint attorney to represent defendant in criminal action, and where official reporter is required and does furnish defense attorney with transcript of his notes as is provided by law," down to Section 2 of the bill;

And by striking out the figures "\$700,000.00" wherever they appear under "Judiciary—Comptroller's Department" and inserting in lieu thereof the figures "\$650,000.00" in each column;

And by striking out the figures "\$300,000.00" wherever they appear in the "Judiciary—Comptroller's Department" and inserting in lieu thereof the figures "\$250,000.00" in each column;

And by striking out the figures "\$125,000.00" wherever they appear in the "Judiciary—Comptroller's Department" and inserting in lieu thereof the figures "\$100,000.00" in each column;

And by amending the caption to conform.

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 22

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLIAMS, Chairman.

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 80, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, County, Special School, School District, Road District, Levee Improvement District, Irrigation District taxes and taxes of other defined sub-divisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1931, providing said taxes are paid on or before January 31, 1932; declaring a State Policy and the existence of a public calamity; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment, and be not printed.

BECK, Chairman.

Amend Section 2 of H. B. No. 80 by striking out all of said Section and inserting in lieu thereof the following:

"All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act."

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 12, A bill to be entitled "An Act to allow farmers, agriculturists and producers of agricultural products in Texas to agree with each other and with the farmers and agriculturists of other states to reasonably limit the acreage that each shall plant in any given crop; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CUNNINGHAM, Chairman.

#### TENTH DAY.

Senate Chamber,

Austin, Texas,

September 26, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following senators answering to their names:

Beck.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Purl.
Holbrook.	Rawlings.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodward.
Moore.	

**Absent—Excused.**

Berkeley.	Small.
Patton.	Stevenson.
Russek.	Woodul.

Prayer by the Rev. John W. Holt, of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

**Petitions and Memorials.**

(See Appendix.)

**Committee Reports.**

(See Appendix.)

**Messages From the House.**

Hall of the House of Representatives,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 63, A bill to be entitled "An Act amending Senate bill No. 259, Chapter 286, Acts of the Regular Session of the Forty-second Legislature, the same being an act making appropriation for the support and maintenance of the State government for the two-year period beginning September 1, 1931, and ending August 31, 1933; and for other purposes; and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

H. B. No. 65, A bill to be entitled "An Act amending House bill No. 508, Chapter 284, Acts of the Regular Session of the Forty-second Legislature, by readjusting and reducing

appropriations with relation to the payment of the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the Free Conference Committee report on Senate Bill No. 13 and requests the appointment of a new conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

West of Cameron, Savage, Graves, Kennedy and Farrar.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Senators Excused.**

The following senators were excused for the day on account of important business:

Senator Woodul, on motion of Senator Pollard.

Senator Small, on motion of Senator Williamson.

Senator Patton, on motion of Senator Beck.

Senator Russek, on motion of Senator Loy.

Senator Stevenson, on motion of Senator Martin.

**Bill Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 80.

**New Conference Committee Appointed.**

On motion of Senator Rawlings, the request of the House for a new conference committee on S. B. No. 13 was granted.

The Chair appointed the following on the part of the Senate:

Senators Rawlings, Hopkins, Purl, Poage and Woodruff.

**S. C. R. No. 10.**

The question recurred upon the pending amendment (by Senators Woodul and Hopkins) to S. C. R. No. 10.

On motion of Senator Moore, the amendment was tabled.

Senator Woodruff withdrew his amendment.

Senator Williamson sent up the following amendment:

Amend S. C. R. No. 10, by striking out the word "possible," where it first appears in the resolving clause and inserting in lieu thereof the word "practicable."

WILLIAMSON.

Read and adopted.

Senator Loy sent up the following amendment:

Amend S. C. R. No. 10, by saying "this shall not be the permanent policy of the State but only during this depression."

LOY.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend Moore resolution as follows and appropriately: "It is not intended hereby to reverse the policy of this State to procure the greatest possible highway mileage construction for the money appropriated for the purpose."

WOODRUFF.

The amendment was read.

Senator Holbrook moved to indefinitely postpone further consideration of the resolution and the amendment.

Senator Moore moved to table the motion to postpone. The motion to table prevailed by the following vote:

Yeas—11.

Beck.	Oneal.
DeBerry.	Parrish.
Gainer.	Poage.
Hardin.	Purl.
Loy.	Woodward.
Moore.	

Nays—10.

Cousins.	Martin.
Greer.	Parr.
Holbrook.	Rawlings.
Hopkins.	Williamson.
Hornsby.	Woodruff.

**Present—Not Voting.**

Cunningham.

Absent.

Neal.  
Pollard.

Thomason.

Absent—Excused.

Berkeley.  
Patton.  
Russek.

Small.  
Stevenson.  
Woodul.

Senator Moore moved to table the amendment.

Senator Hornsby moved the previous question on the amendment and the resolution. The motion failed to receive the proper seconding.

The motion to table the amendment was lost.

The amendment was adopted.

Senator Moore moved to lay the resolution on the table subject to call and to make it special order at 11:40 o'clock a. m. The motion prevailed.

**Senate Bill No. 50.**

The Chair laid before the Senate on its third reading the following bill:

By Senators Purl and Hardin:

S. B. No. 50. A bill to be entitled "An Act to amend Article 773 of the Revised Penal Code of 1925, so as to make the provisions of said bill apply to optometrists, etc., and declaring an emergency."

The Chair substituted for this bill H. B. No. 86 on the same subject.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. 86 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Martin.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Farr.
Greer.	Parrish.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Thomason.

Williamson. Woodward.  
Woodruff.

Absent—Excused.

Berkeley. Small.  
Patton. Stevenson.  
Russek. Woodul.

Read third time and finally passed.

Senator DeBerry asked to be recorded as voting "no" on final passage of the bill.

### Senate Bill No. 35.

The Chair laid before the Senate on its second reading the following bill:

By Senator Williamson:

S. B. No. 35, A bill to be entitled "An Act creating the 127th Judicial District of Texas and establishing a new district court within the limits of Bexar County, additional to the district courts now organized and operating in said county; defining the jurisdiction thereof; providing for the appointment of the judge thereof by the Governor until the next general election; providing for the appointment of an official shorthand reporter to serve said court; providing that the sheriff and clerk of the District Courts of Bexar County shall act in their respective capacities as sheriff and clerk of the District Court herein created; fixing the terms of said Court; providing that the district attorney of the 37th Judicial District shall also represent the State in all criminal and civil matters in said 127th Judicial District Court; providing for the transfer of cases; providing that 127th Judicial District Court shall have the right to empanel a grand jury and providing to which cases the said 127th Judicial District Court shall give preference; repealing all laws in conflict herewith, and declaring an emergency."

Read second time and passed to engrossment by the following vote:

Yeas—12.

Beck. Neal.  
Cousins. Parr.  
Gainer. Pollard.  
Greer. Purl.  
Hopkins. Williamson.  
Moore. Woodul.

Nays—9.

Cunningham. Oneal.  
DeBerry. Poage.  
Holbrook. Rawlings.  
Hornsby. Woodruff.  
Loy.

Absent.

Hardin. Parrish.  
Martin. Thomason.

Absent—Excused.

Berkeley. Small.  
Patton. Stevenson.  
Russek. Woodward.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 35 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck. Oneal.  
Cousins. Parr.  
Cunningham. Parrish.  
Gainer. Pollard.  
Greer. Purl.  
Hardin. Rawlings.  
Holbrook. Thomason.  
Hopkins. Williamson.  
Hornsby. Woodruff.  
Loy. Woodward.  
Moore.

Nays—2.

DeBerry. Poage.

Absent.

Martin. Neal.

Absent—Excused.

Berkeley. Small.  
Patton. Stevenson.  
Russek. Woodul.

Read third time and finally passed.

### Senate Bill No. 6.

The Chair laid before the Senate on its second reading the following bill:

By Senator Gainer:

S. B. No. 6, A bill to be entitled "An Act to promote the use of staple and to prohibit the use of linters and cotton of similar low quality in the manufacture of mattresses, pillows, and other similar articles and pro-

viding that cotton, when ginned, shall only be wrapped in cotton bagging and prohibiting the sale of any mattresses, pillows, cushions, or other articles manufactured of cotton which does not contain a label showing the grade and quality of cotton used in the manufacture of such articles and prescribing a penalty for the violation and declaring an emergency."

Read second time.

On motion of Senator Gainer, the bill was laid on the table subject to call.

#### **S. C. R. No. 10.**

At 11:40 o'clock a. m., the Chair announced that the hour for the special order (S. C. R. No. 10) had arrived.

Senator Poage sent up the following substitute for the resolution:

Substitute for Moore resolution, S. C. R. No. 10, the following:

Whereas, The financial condition of the people of the State is such that they are in need of every possible opportunity to secure employment and it is a human and just policy of government for the State and local governments to expend the tax money of our people in the manner best calculated to aid the citizens of Texas to earn a livelihood by the performance of the necessary work incident to public improvements, and

Whereas, It is a sound and proper policy of government to give preference in all public works to local contractors and to local labor and to methods of construction calculated to provide the greatest possible economical employment of farm and unskilled labor, now therefore,

Be It Resolved by the Senate of Texas, the House of Representatives Concurring, That it is hereby declared to be the policy of the State in all road and highway construction and maintenance as well as in all other public work to do such work in such manner as to provide the greatest possible opportunity of employment of Texas citizens and that in the furthering of this end the State Highway Commission and all county commissioners' courts are hereby requested to carry out this policy in all of their construction and maintenance contracts and works and that they give preference in the letting of all contracts to Texas contractors and that all contractors of gover-

mental preferred work are called upon to use all of the manual labor and team work that can be economically so performed and all such officials are hereby requested to observe this policy.

POAGE.

The substitute was read.

Senator Woodruff sent up the following amendment:

Amend the substitute to the Moore resolution as follows and appropriately: "It is not intended hereby to reverse the policy of this State to procure the greatest possible highway mileage construction for the money appropriated for the purpose."

WOODRUFF.

Read and adopted.

The substitute was adopted.

The resolution as substituted was adopted.

#### **Senate Bill No. 25.**

The Chair laid before the Senate as special order the following bill:

By Senators Purl and Woodruff:

S. B. No. 25, A bill to be entitled "An Act to amend Section 1 of Chapter 271, House Bill No. 358, General Laws of the Regular Session of the Forty-second Legislature, approved May 29, 1931, providing for the sale of lands belonging to the Public Free School Fund of the State of Texas, except islands, lakes and bays and other lands within tide water limits; amending Section 5 of said Act, giving preference right to holders in good faith of surveys of land to purchase the same; amending Section 8 of said Act, relating to the lease of all unsold public free school lands, and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend Senate Bill No. 25 by adding thereto a new section to be known as Section 3-A to read as follows:

"Section 3-A. All leases covering river beds shall be executed on forms to be approved by the Attorney General and the Governor, and shall require of the lessee or his or its successors or assigns, the use of the highest degree of care and of all proper safeguards to prevent the pollution of said stream, and in the

event of failure to meet such requirement the State shall have the right immediately to take charge of said properties, and for such failure said lease may be cancelled at the option of the State."

PURL.

Read and adopted.

Senator Rawlings sent up the following amendment:

Amend Senate Bill No. 25 by striking out below line 25 down to and including line 56, and insert in lieu thereof the following:

Section 3A. Any and/or all river beds or channels in this State belonging to the State and adjacent to a tract containing producing oil and/or gas wells, and any and/or all river beds or channels in this State belonging to the State and situated in proven oil and/or gas territory, may be drilled by the State for oil and/or gas in lieu of leasing thereof to private persons or interests.

The Governor, the Commissioner of the General Land Office, and the Railroad Commission shall constitute a Board to be known as a "Board of Mineral Development," and no such well shall be drilled without the authority of said Board, or a majority thereof. All wells so drilled by the State shall be so drilled under the direction and control of the Railroad Commission, and under the immediate supervision of the Oil and Gas Division of the Railroad Commission.

There is hereby appropriated out of the Game, Fish and Oyster Commission Fund and/or the General Revenue Fund in the proportions to which oil and gas royalties from river bed leases now accrue to said funds a sum sufficient to drill two oil wells in any such river bed or channel mentioned in the first part of this section. In the event either of said two wells so drilled produces oil or gas in paying quantities, then, it shall be the duty of the Railroad Commission, under the authority of said Board, to drill a sufficient additional number of wells to protect said area from drainage by adjacent development, and there is hereby appropriated from said funds above mentioned a sum sufficient to drill such additional wells necessary to protect such area from drainage.

In the event a majority of said Board shall be unable to agree, for

a period of thirty days after production on an adjacent tract is had, or after the river bed or channel in question be shown to be in a producing area, on the question of drilling an initial well in said area or areas, then, in that event, said Board shall be authorized to lease said river bed or channel to the highest and best bidder after advertising for bids for a period of 30 days, said bids to be received under seal; the lease to be granted upon such terms and conditions as may be fixed and determined by said Board, or a majority thereof; provided, however, that in all such lease contracts at least one-eighth ( $1/8$ ) of the gross production of oil or the value of same that may be produced and saved, and not less than one-eighth ( $1/8$ ) of the gross production of gas or the value of same that may be produced, shall be reserved to the State of Texas in addition to any other consideration that may be received by the State for said lease.

RAWLINGS.

The amendment was read.

Recess.

On motion of Senator Greer, the Senate, at 12:02 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate was called to order by Lieutenant Governor Edgar E. Witt at 2 o'clock p. m., pursuant to recess.

Bill Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 86.

Message From the House.

Hall of the House of Representatives,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 8, A bill to be entitled "An Act providing relief for the Valentine Independent School District, in order to aid said district in repairing and rehabilitating its school

building which was seriously damaged and rendered untenable and unsafe for use for school purposes by the earthquake on Sunday, August 16, 1931, making an appropriation for that purpose, and declaring an emergency."

S. B. No. 11, A bill to be entitled "An Act to amend Section 2, Chapter 34, of Acts of the First Called Session of the Forty-first Legislature of the State of Texas, said Chapter being entitled "An Act to create a more efficient road system for McLennan County, Texas" by changing the figures eighteen hundred (\$1,800.00) dollars to six hundred (\$600.00) dollars wherever they appear, and adding thereto a provision prohibiting the use of county owned automobiles or any form of county supplied transportation by the County Commissioners of McLennan County, and prohibiting the receipt by such commissioners, of compensation not herein provided for, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

(With amendments.)

S. B. No. 37, A bill to be entitled "An Act making an emergency appropriation out of the Sand, Shell and Gravel Fund of this State to pay certain refunds of the tax collected by the Game, Fish and Oyster Commissioner on sand, shell and gravel used by counties and cities or towns for constructing streets and roads; and declaring an emergency."

S. B. No. 44, A bill to be entitled "An Act to authorize any county in this State, whose population according to the United States census of 1930 did not exceed fifteen thousand, having at the time of the passage of this Act, any claim for money against any person, partnership, corporation, joint stock or other association, and whose claim shall amount to at least fifty per cent of all the claims against such debtor, to purchase the property of such debtor or debtors, at any sale made within two years from the date this Act shall become effective under any proceedings in bankruptcy, receivership, or in any other judicial proceeding, whenever the commissioners' court of said county shall be of the opinion that it is necessary or advisable so to do to protect the interest of the county, for such price as the commissioners'

court may deem advisable and for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; etc., and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act to amend Section 14, Article 7047, of the Revised Civil Statutes of 1925, relating to and imposing an occupation tax on loan brokers and defining same and providing for certain exceptions and declaring an emergency."

H. B. No. 79, A bill to be entitled "An Act to amend Section 39, Chapter 212, page 355, Acts 1931, Forty-second Legislature, Regular Session."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Pages Excused.

On motion of Senator Neal, the pages were excused for the afternoon to attend a football game.

#### House Bills Referred.

H. B. No. 78, referred to Committee on State Affairs.

H. B. No. 79, referred to Committee on State Affairs.

#### Senate Bill No. 25.

The question recurred upon the pending amendment to S. B. No. 25.

Senator Purl moved to table the amendment. The motion was lost by the following vote:

Yeas—5.

DeBerry.  
Holbrook.  
Loy.

Purl.  
Woodruff.

Nays—17.

Beck.  
Cousins.  
Gainer.  
Hardin.  
Hopkins.  
Hornsby.  
Martin.  
Moore.  
Neal.

Oneal.  
Parr.  
Poage.  
Pollard.  
Rawlings.  
Thomason.  
Williamson.  
Woodward.

Absent.

Cunningham.  
Greer.

Parrish.

## Absent—Excused.

Berkeley. Small.  
Patton. Stevenson.  
Russek. Woodul.

Senator Loy sent up the following amendment to the amendment:

Amend Rawlings amendment by adding at the end of Paragraph 2, Section 3-A, the following: Or Board of Mineral Development may let contracts for drilling oil wells on State lands to the lowest and best competitive bidder.

LOY.

Read and adopted.

Senator Rawlings sent up the following amendment to the amendment:

Amend Senate Bill No. 25, paragraph 4, by striking out, beginning with the word "Game" in line 1 down to and including the word "wells" in line 5 of paragraph 4, and insert in lieu thereof the following:

"The Pipe Line Maintenance Fund of the Oil and Gas Division of the Railroad Commission the sum of \$40,000.00 or so much thereof as is necessary to drill two wells."

RAWLINGS.

Read and adopted.

Senator Purl sent up the following amendment to the amendment:

Amend Rawlings amendment by striking out "may" and insert "shall" in 5th line, Section 39.

PURL.

Read and on motion of Senator Rawlings, tabled.

Senator Purl sent up the following amendment:

Strike out "within" and insert "manner."

PURL.

Read and adopted.

Senator Parr moved to adjourn until Monday morning at 10 o'clock. The motion was lost.

Senator Loy sent up the following amendment to the amendment:

Amend Rawlings amendment by adding at end of line one of Section 3A, after the word 'channels' the "Imperial Farm."

LOY.

The amendment to the amendment was read and, on motion of Senator Rawlings, tabled.

Senator Williamson moved to adjourn until 10 o'clock Monday morning. The motion was lost by the following vote:

Yeas—5.

Cousins. Thomason.  
Gainer. Williamson.  
Parr.

Nays—17.

Beck. Martin.  
Cunningham. Moore.  
DeBerry. Neal.  
Greer. Oneal.  
Hardin. Poage.  
Holbrook. Purl.  
Hopkins. Rawlings.  
Hornsby. Woodruff.  
Loy.

Absent.

Parrish. Woodward.  
Pollard.

Absent—Excused.

Berkeley. Small.  
Patton. Stevenson.  
Russek. Woodul.

Senator Hornsby moved the previous question on the further consideration of the pending amendment and the bill.

Senator DeBerry called for a division of the question.

The previous question was ordered on the further consideration of the amendment and the bill.

Senator Hornsby raised the point of order that a quorum was lacking. The roll call showed 20 present.

Beck. Moore.  
Cousins. Neal.  
DeBerry. Oneal.  
Greer. Parr.  
Hardin. Poage.  
Holbrook. Purl.  
Hopkins. Rawlings.  
Hornsby. Thomason.  
Loy. Williamson.  
Martin. Woodruff.

Absent.

Cunningham. Pollard.  
Gainer. Woodward.  
Parrish.

Absent—Excused.

Berkeley. Small.  
Patton. Stevenson.  
Russek. Woodul.



Senator Loy moved a call of the Senate to secure and maintain a quorum until this bill was disposed of.

Senator Williamson called for a division of the question.

The call to secure a quorum was ordered.

The call to maintain a quorum was ordered.

Senator Parr moved to adjourn until 9 o'clock tomorrow morning. The motion was lost by the following vote:

Yeas—4.

Cousins.	Thomason.
Parr.	Williamson.

Nays—15.

Beck.	Martin.
DeBerry.	Moore.
Greer.	Neal.
Hardin.	Poage.
Holbrook.	Purl.
Hopkins.	Rawlings.
Hornsby.	Woodruff.
Loy.	

Absent.

Cunningham.	Pollard.
Gainer.	Woodward.
Parrish.	

Absent—Excused.

Berkeley.	Small.
Oneal.	Stevenson.
Patton.	Woodul.
Russek.	

Senator Woodruff moved to recess until 9:30 o'clock Monday morning. The motion was lost.

The pending amendment was adopted by the following vote:

Yeas—15.

Beck.	Moore.
Cousins.	Neal.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Poage.
Hopkins.	Rawlings.
Hornsby.	Williamson.
Martin.	

Nays—5.

DeBerry.	Purl.
Holbrook.	Woodruff.
Loy.	

Absent.

Parrish.	Woodward.
Pollard.	

Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Russek.	Woodul.

(Pair Recorded.)

Senator Thomason (present) who would vote yea, with Senator Cunningham (absent) who would vote nay.

Senator Rawlings sent up the following amendment which was exempt by agreement from the ban of the previous question:

Amend the Rawlings amendment by inserting between the first and second paragraphs a new paragraph to read as follows:

"Section 1. That Chapter 271, Acts of the Regular Session of the Forty-second Legislature, known as House Bill No. 358, be amended by adding thereto a new Section to be known as Section 84, to read as follows:"

RAWLINGS

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—14.

DeBerry.	Moore.
Gainer.	Oneal.
Hardin.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Loy.	Williamson.
Martin.	Woodruff.

Nays—5.

Beck.	Neal.
Cousins.	Parr.
Hopkins.	

Absent.

Pollard.	Woodward.
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Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Russek.	Woodul.

(Pairs Recorded.)

Senator Greer (present) who would vote yea, with Senator Parrish (absent) who would vote nay.

Senator Thomason (present) who would vote nay, with Senator Cunningham (absent) who would vote yea.

The motion of Senator Purl to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—15.

Beck.	Moore.
DeBerry.	Oneal.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Williamson.
Loy.	Woodruff.
Martin.	

Nays—6.

Cousins.	Neal.
Hopkins.	Parr.
Hornsby.	Thomason.

Absent.

Cunningham.	Pollard.
Parrish.	Woodward.

Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Russek.	Woodul.

Senator Purl moved to set the bill as special order Monday morning at 10 o'clock. The motion prevailed by the following vote:

Yeas—15.

Beck.	Moore.
DeBerry.	Oneal.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Williamson.
Loy.	Woodruff.
Martin.	

Nays—6.

Cousins.	Neal.
Hopkins.	Parr.
Hornsby.	Thomason.

Absent.

Cunningham.	Pollard.
Parrish.	Woodward.

Absent—Excused.

Berkeley.	Small.
Patton.	Stevenson.
Russek.	Woodul.

Recess.

On motion of Senator Woodruff, the Senate, at 4:53 o'clock p. m., recessed until 9:30 o'clock Monday morning.

## APPENDIX.

### Petitions and Memorials.

To the Senate:

Senate Chamber, Austin, Texas.

Gentlemen of Honor:

Permit me to express my sincere appreciation both, individually and collectively, for its kindness manifested in my recent sorrow, the death of my husband P. P. Holbrook, Vernon, Texas.

You contributed much by way of consolation in the beautiful floral offering.

I am very grateful,

MRS. P. P. HOLBROOK,

### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Sept. 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 10, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Sept. 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 35, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 34, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, Sept. 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 45, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

S. B. No. 49, A bill to be entitled "An Act to provide for the organization of purely cooperative petroleum marketing associations; defining their rights, duties and policies, and prescribing who may organize such marketing associations; prescribing the powers that may be exercised by such marketing associations under this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 74, A bill to be entitled "An Act making an emergency appropriation out of the funds belonging to the State Highway Department, not otherwise appropriated, for the purpose of paying the expenses necessary to carry out and complete the provisions of House Bill No. 688, Acts of the 42nd Legislature, Regular Session, Chapter 79, page 121, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 76, A bill to be entitled "An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00) or so much thereof as may be necessary out of the General Revenue to pay the per diem and mileage of members; the per diem of officers and employees; and the contingent expense of the 2nd Called

Session of the 42nd Legislature of the State of Texas convened on the 8th day of September, 1931, by proclamation of the Governor; to supplement the like appropriation of the Regular and 1st Called Session of said Legislature; to pay any unpaid vouchers or warrants held by members, officers, or employees of the Regular and 1st Called Sessions of said Legislature; to pay any unpaid claims or accounts of members, officers, or employees of said Session or of other persons authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by Concurrent Resolution of the 42nd Legislature at its 2nd Called Session; to pay the per diem of members, officers or employees for pre-session and post-session work of the 2nd Called Session of said 42nd Legislature; providing how accounts may be approved and audited; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 86, A bill to be entitled "An Act to amend Article 773 Revised Penal Code 1925, of the State of Texas, so as to make the provisions of said bill apply to optometrists and re-enact Article 774 of the Revised Penal Code of 1925, of the State of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BECK, Chairman.

Committee Room,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 48, A bill to be entitled "An Act amending Article 1020 of

Chapter Two, Title 15, Code of Criminal Procedure, fixing the amount of fees to be paid by the State to county judges, justices of the peace, constables, sheriffs, district attorneys, criminal district attorneys and county attorneys, in examining courts; prescribing the conditions upon which said fees shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed in the Journal.

WOODWARD, Chairman.

Amend S. B. No. 48, Section 1, by adding to subdivision four thereof the following:

"Provided where the offense is one which includes a misdemeanor, or where the punishment may be assessed at a fine, imprisonment in jail, or both, no fees shall be paid by the State to any officer mentioned in sub-divisions 1, 2 and 3 hereof until the case has been finally disposed of."

By Moore.

S. B. No. 48.

#### A BILL To Be Entitled

An Act amending Article 1020 of Chapter Two, Title 15, Code of Criminal Procedure, fixing the amount of fees to be paid by the State to county judges, justices of the peace, constables, sheriffs, district attorneys, criminal district attorneys and county attorneys, in examining courts; prescribing the conditions upon which said fees shall be paid; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1020 of Chapter Two, Title 15, Code of Criminal Procedure, be and the same is hereby amended so as to hereafter read as follows:

Article 1020. County judges, justices of the peace, constables, sheriffs, district attorneys, criminal district attorneys and county attorneys, shall be paid by the State for services performed in examining courts in each felony case the following fees:

1. County judges and justices of

the peace shall be entitled to the same fees allowed by law for similar services in misdemeanor cases to justices of the peace, and ten cents for each one hundred words for writing down testimony, not to exceed three dollars.

2. Constables and sheriffs for serving process and for attending said examining court and for all other services performed in connection with the trial, such fees as are fixed by law for similar services in misdemeanor cases, not to exceed four dollars. Provided, where the constable or sheriff arrests the defendant in a county, other than the county in which the offense is alleged to have been committed, or when required to go to some county, other than the county in which the offense is alleged to have been committed, and return the defendant, he shall be entitled to the same mileage for going to the place of arrest and for removing the prisoner as is provided by law for the same service after indictment, provided, the defendant is subsequently indicted for the same offense with which he was charged in the examining court.

3. District attorneys, criminal district attorneys and county attorneys for attending the court and representing the State of Texas, the sum of five dollars, but no fee shall be paid to any such officer unless the testimony of one or more material witnesses to the transaction shall be reduced to writing, subscribed and sworn to by said witness upon the trial, and said written testimony shall be presented to the district judge when the account for services herein performed is presented to him for approval. If said written testimony is not so presented, or if presented and the judge does not find the same to be material, he shall not approve said account.

4. The fees mentioned in this article shall become due and payable only after the indictment of the defendant for the same offense for which he was charged in the examining court and upon an itemized account sworn to by the officer claiming such fees and approved by the judge of the district court.

5. (a) Only one fee shall be allowed to any officer for an examin-

ing trial, though more than one defendant is joined in the complaint.

(b) When defendants are proceeded against separately who could have been proceeded against jointly, but one fee shall be allowed in all cases that could have been so joined. It shall be the duty of the district judge to carefully examine each account and ascertain whether this provision has been complied with before approving said account. This subdivision (b) is intended to and does apply to all officers mentioned in Sections 1, 2 and 3 hereof.

(c) The account of the officer and the approval of the district judge must show that the provisions of this subdivision (5) are fully complied with.

Sec. 2. The fact that the Court of Civil Appeals at Texarkana in the case of McDaniel vs. State, 9 S. W. (2d), 478, (writ of error refused by the Supreme Court) has held the law to be that under no circumstances may a sheriff collect more than four dollars for services rendered in a felony case pending before a magistrate sitting as an examining court; and the further fact that sheriffs in the faithful discharge of their official duty must frequently travel long distances after prisoners who are charged with heinous offenses in examining courts and of necessity must do so at great expense and financial loss to themselves because of the fact that under the present law the sum of four dollars is all the fee they may recover for such services from the State; and the further fact that in many counties of this State there are only two terms of court each year which makes it impractical, if not impossible, for prisoners charged with a felony before an examining court to be held by the arresting officer of counties other than the county in which the offense was committed, to hold said prisoner until the grand jury of the county in which the offense was committed convenes and indicts said prisoner, works a great injustice and an undue hardship upon both constables and sheriffs of this State, thereby creating an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days shall be suspended, and said rule is hereby suspended, and this Act shall take effect and be in

force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Sept. 26, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act amending Chapter 212, Section 18, Acts of the Regular Session, 40th Legislature, 1927; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Moore.

S. B. No. 47.

#### A BILL

#### To Be Entitled

An Act Amending Chapter 212, Section 18, Acts of the Regular Session, 40th Legislature, 1927; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 212, Section 18, Acts of the Regular Session, 40th Legislature, 1927, is hereby amended so as to hereafter read as follows:

a. On the taking effect of this Act the office of "permanent auditor for the Prison System" is abolished and the audit and examination of said Prison System shall be placed under the direction and supervision of the State Auditor and Efficiency Expert to be made in compliance with the existing laws governing the examination and audit of all State Departments and State Institutions by said State Auditor and Efficiency Expert.

b. The State Auditor and Efficiency Expert is hereby authorized and directed to, at all times, keep one of the assistants in his office assigned to the auditing of the Prison System for the purpose of making such examination and audit as is required by sub-section "a" of this Act.

c. All appropriations now available for the payment of salaries and expenses of the "permanent auditor of the Prison System" are hereby made available for the payment of the salaries and expenses of such assistant auditor assigned to the audit of the Prison System by the State Auditor and Efficiency Expert.

d. The general manager of the Prison System is hereby authorized and directed to make available a suitable space in the Prison Office at Huntsville for said assistant auditor.

Sec. 2. That all laws and parts of laws which conflict with this Act be and the same are hereby repealed.

Sec. 3. The fact that the position of "permanent auditor of the Prison System" was created before the position of State Auditor and Efficiency Expert and due to the fact that all auditing of State Departments and Institutions should be immediately centralized under the direction of the State Auditor and Efficiency Expert creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and the said rule is suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 25, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 46, A bill to be entitled "An Act amending Article 1025, of Chapter Two, Title 15, Code of Criminal Procedure, fixing the fees paid by the State to district attorneys, criminal attorneys or county attorneys for representing the State in the district court in felony cases and in habeas corpus cases where the defendant is charged with a felony; repealing Article 1024, of Chapter Two, Title 15, Code of Criminal Procedure; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Moore. S. B. No. 46.

#### A BILL

#### To Be Entitled

An Act amending Article 1025, of Chapter Two, Title 15, Code of Criminal Procedure, fixing the fees paid by the State to district attorneys, criminal district attorneys or county attorneys for rep-

resenting the State in the district court in felony cases and in habeas corpus cases where the defendant is charged with a felony; repealing Article 1024, of Chapter Two, Title 15, Code of Criminal Procedure; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1025, of Chapter Two, Title 15, Code of Criminal Procedure, be and the same is hereby amended so as to hereafter read as follows:

Article 1025. Each county, including Dallas and Harris Counties, where there has been cast at the preceding presidential election 3000 votes or over, the district attorney, criminal district attorney or county attorney shall receive the following fees:

For all convictions of felony when the defendant does not appeal, or dies or escapes after appeal and before final judgement of the appellate court, or when the judgment is affirmed on appeal, twenty-four dollars for each felony, other than felonious homicide, and forty dollars for each such homicide.

For representing the State in each case of habeas corpus where the applicant is charged with a capital offense, sixteen dollars.

In each county where less than 3000 such votes have been so cast, such attorney shall receive thirty dollars for each such conviction of felony, other than homicide, and fifty dollars for each such conviction of felonious homicide, and twenty dollars for each such habeas corpus case.

Sec. 2. That Article 1024, of Chapter Two, Title 15, Code of Criminal Procedure, be and the same is hereby repealed.

Sec. 3. The fact that the custom has grown up in some counties of this State for habeas corpus proceedings to be instituted in nearly every case of felony filed in an examining trial, as well as after indictment, and such proceedings are instituted regardless of the reasonableness of the amount of bond fixed by the magistrate or judge, thereby frequently resulting in two habeas corpus proceedings being instituted by the same applicant, one before indictment and another after indictment; and the

further fact that often in such instances there are several cases pending against the same defendant and applications for writs of habeas corpus are filed in each case and fees collected from the State of Texas in each case, when all the facts may be developed and, as a matter of fact, are developed, in one hearing, thereby causing the State to pay out enormous sums of money to district attorneys, criminal district attorneys or county attorneys in some counties without said officers rendering any beneficial service therefor, and when there is no actual necessity for the applications in many of such instances; and the further fact that in two of the largest counties in the State, Dallas and Harris Counties, by Article 1024, Code of Criminal Procedure, the fees allowed for felonies, other than felonious homicide, and for representing the State in habeas corpus proceedings, are twenty-five per cent higher than in other counties of the State casting 3000 votes or over at the preceding presidential election when there is no basis for such higher fees to be paid to the criminal district attorneys of said counties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after passage, and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 78, A bill to be entitled "An Act to amend Section 14, Article 7074, of the Revised Civil Statutes of 1925, relating to and imposing an occupation tax on loan brokers and defining same and providing for certain exceptions and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

MOORE, Chairman.

By Barron, et al.

H. B. No. 78.

#### A BILL

#### To Be Entitled

An Act to amend Section 14, Article 7074, of the Revised Civil Statutes of 1925, relating to and imposing an occupation tax on loan brokers and defining same and providing for certain exceptions and declaring an emergency

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7074, Section 14, of the Revised Civil Statutes of Texas of 1925 be and the same is hereby amended, to read as follows:

Section 14. Loan Brokers. From Loan Brokers as hereafter defined, an annual tax of One Hundred Dollars (\$100.00) for each place of business. A loan broker, for the purpose of this section, is a person, firm or corporation who regularly pursues the business of lending money with or without security, and charges or receives therefor a fee, brokerage or other charge of any kind whatsoever, provided, this tax shall not apply to persons, firms, associations or corporations who lend money on or incident to real estate nor shall this tax apply to banks or banking institutions and life insurance companies regularly organized as such.

Sec. 2. The fact that the present law relative to loan brokers is ambiguous creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days, and said Rule is accordingly hereby suspended; and this Act shall take effect and be in force from and after its passage.

Committee Room,  
Austin, Texas, Sept. 26, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred

H. B. No. 79, A bill to be entitled "An Act to amend Section 39, Chapter 212, Page 355, Acts, 1931, 42nd Legislature, Regular Session; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed in the Journal.

MOORE, Chairman.

By Barron, et al. H. B. No. 79

#### A BILL

##### To Be Entitled

An Act to amend Section 39, Chapter 212, Page 355, Acts, 1931, 42nd Legislature, Regular Session; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 39, Chapter 212, Page 355, Acts 1931, 42nd Legislature, Regular Session, be and the same is hereby amended so that said section shall read as follows:

"Section 39. Cigarette Dealers. From all dealers in cigarettes in this State, Five Dollars (\$5.00), a cigarette being the same as defined by the laws of the United States Government. This tax shall be in addition to any other tax levied under the law. Each dealer shall be required to procure an annual license from the County Tax Collector of the county where he proposes to sell cigarettes, which shall be granted for no shorter or longer term than one year. The license shall describe the house and locality where the dealer proposes to sell cigarettes."

Sec. 2. The fact that there is an error in the existing law inasmuch as the Tax Collector and not the County Clerk has always collected occupation taxes, and issued licenses, and the further fact that it is necessary that said error be corrected, creates an emergency and an imperative public necessity demanding that the Constitutional Rule which requires bills to be read on three several days in each House be suspended, and the said Act shall be in full force and effect from and after its passage, and it is so enacted.

#### TENTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas,

September 28, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### House Bill No. 22.

Senator Poage moved to take up H. B. No. 22. The motion prevailed by the following vote:

Yeas—16.

Beck.	Cneal.
Cunningham.	Parrish.
DeBerry.	Patton.
Hardin.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Small.
Neal.	Thomason.

Nays—6.

Cousins.	Parr.
Gainer.	Williamson.
Holbrook.	Woodul.

Absent.

Berkeley.	Pollard.
Greer.	Russek.
Hopkins.	Woodruff.
Loy.	

Absent—Excused.

Stevenson.	Woodward.
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The Chair laid before the Senate the following bill:

By Mr. Brooks, Mr. Stephens, Mr. Graves, Mr. Dodd, Mr. Barron, Mr. Harrison of Waller, Mr. Wyatt, Mr. Young, Mr. Hoskins, Mr. Rogers, Mr. Coltrin, Mr. Towery, Mr. Terrell of Cherokee, Mr. Adamson, Mr. Gilbert, Mr. Carpenter, Mr. Bond, Mr. Jackson, Mr. Laird, Mr. Sherreill, Mr. Weinert, Mrs. Strong, Mr. Akin, Mr. Brice, Mr. Smith of Bastrop, Mr. Lockhart, Mr. Baker, Mr. Farmer, Mr. Giles, Mr. Hanson, Mr. West of Coryell, Mr. Dale, Mr. Vaughan, Mr. Veatch, Mr. Fisher, Mr. Ferguson, Mr. Smith of Wood, Mr. Cox of Limestone, Mr. Herzik, Mr. Adkins, Mr. Hines, Mr. Westbrook, Mr. Turner, Mr. Donnell, Mr. Cunningham, Mr. Sparkman, Mr. Walker, Mr. Greathouse, Mr. Moffett, Mr. Burns of Walker, Mr. Kennedy, Mr. Engelhard, Mr. Elliott, Mr. Forbes, Mr. McGregor, Mr. Jones of Shelby, Mr. Adams of Jasper, Mr. Hefley, Mr. Bounds, Mr. Justiss, Mr. Ray, Mr. DeWolfe, Mr. Finn, Mr. Holloway, Mr. Scott, Mr. West of Cameron, Mr. Fuchs, and Mr. Shelton:

H. B. No. 22, A bill to be entitled "An Act amending Article 7065, Revised Statutes of Texas, 1925, as